?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 19.07.2018

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

+W.P.(MD).No.15678 of 2018

#P.Sivashanmugam .. Petitioner

Vs.

$1.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Rep. by its General Manager,
Trichy.

2.The Administrator
Tamil Nadu State Transport Employees- Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai ~ 600 002. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner difference/arrears of wages for the period from 01.09.2016 to 30.06.2017, after revising his scale of pay w.e.f. 01.09.2016 based on the new wage settlement dated 04.01.2018 and also to pay him difference in his terminal benefits namely Gratuity, Encashment of Leave and etc., based on such re~fixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum and further directing the respondents to revise his pension with effect from July, 2017 based on such re~fixed scale of pay payable to him on the month of his retirement and to pay him arrears of the same for the period from July, 2017, together with 18% interest per annum.

!For Petitioner : Mr. S.Arunachalam

^For Respondents : Mr. D.Sivaraman
TNSTC Standing Counsel

:ORDER

The Prayer sought for in this Writ Petition is to issue a

Writ of Mandamus, directing the 1st respondent to pay the petitioner difference/arrears of wages for the period from 01.09.2016 to 30.06.2017, after revising his scale of pay w.e.f. 01.09.2016 based on the new wage settlement dated 04.01.2018 and also to pay him difference in his terminal benefits namely Gratuity, Encashment of Leave and etc., based on such re~ fixed scale of pay payable to him on the month of his retirement, together with 18% interest per annum and further directing the respondents to revise his pension with effect from July, 2017 based on such re~fixed scale of pay payable to him on the month of his retirement and to pay him arrears of the same for the period from July, 2017, together with 18% interest per annum.

2. Heard Mr.S.Arunachalam, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents.

3. The learned Counsel appearing for the petitioner would submit that the petitioner was appointed as Junior Tradesman at 1st respondent Corporation on 10.06.1986. After completion of more than 31 years of service and after having worked as Tradesman Level ~5, he retired from service on 30.06.2017 on reaching superannuation. As he retired from service, as per the revised pay scale, pursuant to the settlement entered into between the respondent Corporation and the employees, the revised pay scale should have been effected for the petitioner from 01.09.2016 and that shall be calculated till the superannuation of the petitioner and accordingly, the revised pay and pensionary benefits shall be given to the petitioner.

4. However, the said revised pay and pensionary benefits have not been paid to the petitioner and hence, he had given a representation dated 08.06.2018 and the said representation if is directed to be considered by the respondents and an order to that effect is directed to be passed within a specified time frame that may be fixed by this Court, the petitioner would be satisfied.

5. I have heard Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents, who would submit that, the said representation of the petitioner shall be considered by the respondents on merits and in accordance with law and orders to that effect would be passed within a shortest period that may be fixed by this Court.

6. Considering the limited scope of the prayer and the submission made by learned Standing Counsel, this writ petition is disposed of, with the following directions :
?that the first respondent is directed to pass order on the representation of the petitioner dated 08.06.2018, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.?

7. With this direction, this writ petition is disposed of. No costs.